

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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JOSHUA R. THORNE,

v.

ORDER  
10-CV-592

MICHAEL J. ASTRUE,  
Commissioner of Social Security,

Defendant.

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This case was referred to Magistrate Judge Hugh B. Scott, pursuant to 28 U.S.C. § 636(b)(1)(A). On September 23, 2011, Magistrate Judge Scott filed a Report and Recommendation, recommending that defendant's motion for judgment on the pleadings be denied and plaintiff's motion for similar relief in his favor be granted. This recommendation would mean that the decision of the Commissioner would be reversed and the matter would be remanded for further administrative proceedings.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Scott's Report and Recommendation, the defendant's motion for judgment on the pleadings is denied, plaintiff's motion for similar relief in his favor is granted, the decision of the Commissioner is reversed and the matter

remanded for further administrative proceedings. The Clerk of Court shall take all steps necessary to close the case.

SO ORDERED.

*s/ Richard J. Arcara*

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HONORABLE RICHARD J. ARCARA  
UNITED STATES DISTRICT JUDGE

DATED: November 1, 2011